

JEFFERSON COUNTY



PRIVATE SEWAGE SYSTEM ORDINANCE CHAPTER 12

Adopted
May 8, 2001

Jefferson County Planning & Zoning Department
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ORDINANCE NO. 2001-6

CHAPTER 12. PRIVATE SEWAGE SYSTEM ORDINANCE

AN ORDINANCE TO REPEAL THE EXISTING PRIVATE SEWAGE SYSTEM ORDINANCE AND RECREATE THE NEW PRIVATE SEWAGE SYSTEM ORDINANCE AS A CONSEQUENCE OF THE REWRITING OF COMM 83 WISCONSIN ADMINISTRATIVE CODE. THIS REPEAL AND SUBSEQUENT ORDINANCE WOULD BE EFFECTIVE UPON PASSAGE BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS.

12.01. STATUTORY AUTHORITY. This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes.

12.02. PURPOSE. This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

12.03. SEVERABILITY AND LIABILITY. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply with Wisconsin Statute or Administrative Code requirements.

12.04. INTERPRETATIONS. The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

12.05. DEFINITIONS. The following terms shall have the meanings as indicated in this section.

County: Jefferson County Zoning Department.

County Inspector: An individual who is employed by Jefferson County to assist in the administration and enforcement of this ordinance and is licensed by the department to inspect private sewage systems and to evaluate soils for the purpose of this ordinance. Also is referred to as an authorized agent within this ordinance.

Department: Department of Commerce

Failing Private Sewage System: “Failing private sewage system” has the meaning specified under s. 145.245(4), Wisconsin statutes. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal structure.

Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

POWTS: Private Onsite Wastewater Treatment System also referred to as private sewage system.

Private Sewage System: Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS” and has the meaning given under s. 145.01(12) Wisconsin Statutes.

12.06. COMPLIANCE.

- (1) All structures or premises in the County intended for permanent occupancy which are not served by public sewer shall have a system for holding or treatment and dispersal of sewage and wastewater.
- (2) The private sewage system for newly constructed structures or existing structures shall be installed, inspected and approved before the structure may be occupied.

12.07. INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of private sewage systems as well as the disposition of domestic wastes: § 59.70(5), Chapters 145, 281.48 and 968.10 Wisconsin Statutes; Comm 52.63, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87, Comm 91, NR113 and NR116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

12.08. APPLICABILITY.

The requirements of this ordinance shall apply to all geographic areas of the County.

12.09. LIMITATIONS.

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by state law or this ordinance.

- (2) A vault privy is allowable only for campgrounds or agricultural purposes. Vault privies shall not be used in association with habitable structures. All such privies shall be constructed and maintained consistent with the requirements of Comm 91 and NR113 Wisconsin Administrative Code.
- (3) Any private sewage system or portion thereof installed within a floodplain shall comply with all applicable requirements of NR116 Wisconsin Administrative Rule and the Jefferson County Floodplain ordinance #14, with the exception that a private sewage system will not be prohibited in the floodplain if properly floodproofed to the satisfaction of the department.
- (4) A replacement private sewage system area other than a holding tank shall be identified for new construction.
- (5) Holding tanks are prohibited for new construction and shall not be identified as the replacement system for new construction. Persons may request variances to the prohibition for just cause.
- (6) Installation of a holding tank is prohibited as a replacement private sewage system for an existing dwelling or existing construction served by a private sewage system, if at least an A+4 mound type system may be located on the property except as provided in (a), (b), (c) below.
 - (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of the sanitary permit issuance. An application for a sanitary permit for a holding tank shall include, in addition to what is required in Comm 83 and this ordinance, written statements from:
 1. The municipality or sanitary district verifying the date the public sewer will be installed and available to serve the property.
 2. The Department of Natural Resources verifying approval of the public sewer, and
 3. The property owner agreeing to connect to public sewer when it becomes available, and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Comm 83 unless conditions identified in par. (6)(b) and (7) apply.
 - (b) Soils and site evaluation has determined that the only available area is located within the 100-year floodplain.
- (7) Variances allowing holding tanks for new construction may be granted when the public interest in safe, healthful sanitation arrangements will not be jeopardized, and

where the applicant's situation is truly unique, such as, without limitation because of enumeration, the likelihood of public sewerage service being available at reasonable future time.

Applications for variance shall be made to the Zoning Department who shall refer the application to the Zoning Committee. The Committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether to grant the variance.

- (8) When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system or its use discontinued within that period of time required by department orders.
- (9) Any private sewage system proposed to be installed in a sanitary district, city or village requires approval from that jurisdiction prior to issuance of the sanitary permit.

12.10. ABANDONMENT OF PRIVATE SEWAGE SYSTEMS.

- (1) When public sewer approved by the Department of Natural Resources becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Comm 83, Wisconsin Administrative Code.

12.11. SOILS AND SITE EVALUATIONS.

- (1) Soils and site evaluations shall be conducted as prescribed in Comm 83, 85, & 91 with at least three (3) soil profile evaluation excavations used to delineate a new and a replacement site for new construction unless additional borings are necessary to properly delineate the areas.
- (2) Soil and site evaluation data shall relate to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given to all soil borings. A soil and site evaluation report may not be required if the site is located in a floodplain, if minimum setback distances cannot be met, or if the site has been altered to the extent that a replacement holding tank is the only alternative.

- (3) County verification of a soil and site evaluation report may be required by the County inspector to determine suitability of a lot for a private sewage system. This verification will be made at the discretion of the county inspector and will be made prior to the issuance of the sanitary permit.
- (4) County onsite verification of a soil and site evaluation report is required for all soils except those that support an inground soil absorption system. The county has the discretion to waive the verification if county workload necessitates. Verification will be conducted upon receipt of a completed soil and site evaluation or meeting the County inspector at the site for verification. If soil pits are utilized, they shall be constructed prior to county arrival.
- (5) A certified soil tester may request county verification for soils that might support an in-ground soil absorption component. Verification may be conducted by the county upon submittal of a completed soil and site evaluation report or if the soil tester would meet the County inspector at the site during verification. Such verifications are subject to the County inspector's work schedule and may be subject to a fee.
- (6) County verification reports shall be attached and filed with a completed soil and site evaluation report.

12.12. SANITARY PERMITS (GENERAL).

- (1) Every private sewage system shall require a separate application and sanitary permit.
- (2) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to installation, establishment or construction of any structure which requires a private sewage system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation of this ordinance, and shall be subject to the penalties provided in this ordinance.
- (3) A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles or pumps.
- (4) A sanitary permit is not required for a vault privy. However, a land use permit is necessary and construction shall comply with the provisions of Comm 91.
- (5) If any part of a private sewage system, other than the tank, has failed or requires replacement, such new part shall meet the current code. For tank replacement, a soil evaluation shall be performed which shows drain field separation from groundwater meets the current code, unless such a report is already on file with the County. The sanitary permit application shall show specifications for replacement parts and drainage fields, if required.

- (6) Pursuant to S.145.195 Wisconsin Statutes, no building permits shall be issued by a city, village, town or county for any structure necessitating the use of a POWTS to serve the structure unless the system is in compliance with Comm 83.25.

12.13. SANITARY PERMIT APPLICATION REQUIREMENTS.

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the state and/or County as well as all items expressed in Comm 83 along with applicable fees:
- (a) All information required on the sanitary permit application form shall be complete, legible, and accurate.
 - (b) A clear and legible detailed plot plan dimensioned or drawn to scale on a minimum of 8 ½" x 11" quality paper, but not to exceed 11"x17". Larger pages will be allowable if by one fold, they attain an 11"x17" or smaller size.
 - (c) Plot plan(s) containing the lot size and location of all existing and proposed private sewage system components; building sewers, sanitary and storm sewers; wells; water mains or water service; streams and lakes; buildings, lot lines, replacement system location and type; adjoining property owner features that would impact the private sewage system location with respect to Comm 83, benchmark as established on the soil and site evaluation report; demonstrating compliance with all horizontal setback parameters established in Comm 83.43 Wisconsin Administrative Code.
 - (d) Plans and specifications for the proposed private sewage system component shall be provided. The County may require additional information to ensure that all specifications have been provided as part of the application process.
 - (e) Soil and site evaluation.
 - (f) Any state approved plans, if required, bearing the department's conditional approval and the approval letter issued by the department.
 - (g) Contingency plan in the event that the proposed private sewage system fails and cannot be repaired.
 - (h) Maintenance Agreement and/or Holding Tank Agreement in recordable form as furnished by the County describing maintenance for the system consistent with Comm 83.
 - (i) A Management Plan for the proposed design-reflecting conformance with Subchapter V, Comm 83.

- (j) Fees as prescribed in the County fee schedule as may be changed from time to time.
- (k) The County reserves the right to refuse incomplete or incorrect sanitary permit applications or to delay sanitary permit issuance over the time limits prescribed in Sec. 12.14 of this ordinance until a corrected or complete application is received.

12.14. PERMIT APPROVAL OR DENIAL.

- (1) Permits shall be approved within 30 days of receiving a sanitary permit application that has provided all required information as prescribed in this ordinance and Comm 83.
- (2) PERMIT DENIAL: When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for denial shall be forwarded to the plumber, landowner, and, when appropriate, state representatives and Corporation Counsel.

12.15. SANITARY PERMIT TRANSFER, REVISION AND REVOCATION/SUSPENSION , EXPIRATION AND RENEWAL.

- (1) Transfer: When there is a change of ownership, the state transfer form shall be submitted to the County with a set of new plans if deemed necessary, and a fee as prescribed in the County fee schedule.
 - (a) The sanitary permit card shall be returned to the County so that a new transfer card may be issued.
 - (b) The sanitary permits for systems requiring state plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer or state level approval is obtained by the new plumber.
- (2) Revisions: Approval from the County is required whenever there is a change in the private sewage system design as originally approved by the County. Detailed plans and specifications shall be submitted describing these changes and a fee as prescribed in the County Fee Schedule.
- (3) Revocations: The county may revoke any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for revocation shall be conveyed in writing to the owner of the premises and plumber listed on the permit application. After revocation, no work shall be done on the private sewage system until a new permit is approved by the County.

- (4) Suspensions: The County may suspend any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for suspension shall be conveyed in writing to the owner of the premises and plumber listed on the permit application. After suspension of the permit, no work may be done on the private sewage system until the conditions of permit suspension have been complied with, and the County has reinstated the sanitary permit.
- (5) Expiration and Renewal: The sanitary permit is valid for a period of two years from the date of issuance. A sanitary permit may be renewed for periods of up to two years if the private sewage system has not been completely installed provided the renewal is obtained prior to the expiration of the sanitary permit and the appropriate fee submitted as prescribed in the County Fee Schedule. Renewals may be approved only if the plan meets the code in effect at the time the renewal is sought.

12.16. SANITARY PERMIT FEES.

- (1) The fees charged by the County for a sanitary permit, sanitary permit revision, transfer, or renewal are identified in the Jefferson County Zoning Fee Schedule approved by County Board action and posted at the County Zoning Department.
- (2) Fees may also be assigned for other activities associated with this ordinance, and shall be as identified in the Jefferson County Fee Schedule approved by County Board action and posted at the County Zoning Department.
- (3) The county may adjust fees annually with County Board approval to reflect changes in cost and/or level of service provided.

12.17 PRIVATE SEWAGE SYSTEM INSPECTIONS.

- (1) The county shall inspect all private sewage systems as required by state code after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge if notice from the plumber in charge is made to the County by 9:00 a.m. on the previous day. Inspections shall be reported on forms furnished by the department. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.
- (2) Other Inspections: Additional inspections of a private sewage system may be necessary based on private sewage system type, complexity or due to unforeseen circumstances. Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.

- (3) Covering of Work: No part of the private sewage system may be backfilled until it has been inspected and approved. If any part is covered before being inspected and approved, it shall be uncovered at the discretion of the County inspector.
- (4) Private Sewage System Use: No new or replacement private sewage system shall be used until an inspection report is completed indicating compliance with all terms of this ordinance. Such report shall be filed in the inspector's office within one working day after an inspection at which the inspector noted full compliance. Backfilling and/or use of the system shall not occur prior to express indication by the inspector or his authorized agent that conditions are in compliance.
- (5) Effect of Report: The inspection report shall apply only to the date of issuance as it relates to the private sewage system. It does not imply the continued compliance of this system with state and local regulations. The inspection report and the approval it signifies shall extend only to the property usage as indicated on the approved application. Change in usage that requires modified private sewage systems shall necessitate a new application, permit and inspection.

12.18. PRIVATE SEWAGE SYSTEM MAINTENANCE AND MANAGEMENT.

(1) General Provisions

- (a) All private sewage systems shall be managed and maintained in accordance with Comm 83 and Comm 84 Wisconsin Administrative Code and this ordinance.
- (b) The property owner shall report to the County each inspection, maintenance or servicing event in accordance with Comm 83, Wisconsin Administrative Code and this ordinance.
- (c) The property owner shall submit a maintenance agreement and/or servicing contract or Holding Tank Agreement as prescribed by the County, to the County as part of the sanitary permit which shall be recorded with the register of deeds to comply with Comm 87.60(5)(b)(2) and this section. It is the responsibility of the owner to provide written notice of the maintenance program to a buyer. A revised agreement shall be submitted by the owner whenever there is a change to such document.

(2) Private Sewage System Maintenance Program (Except Holding Tanks)

- (a) All septic tanks permitted and installed on or after January 15, 1990 shall be visually inspected for ponding of wastewater or effluent on ground surface and pumped within (3) years after the installation of the private sewage system, and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.
- (b) Every three (3) years after the installation of a private sewage system, the owner shall be provided a certification form by the County at least 30 days prior to its

due date, and is required to provide the County with the completed report within 10 business days of the service event. The certification form shall be completed by the licensed individual servicing the private sewage system. Pumping shall be conducted by a certified septage servicing operator in accordance with NR113 Wisconsin Administrative Code.

- (c) The certification form shall state that the private sewage system does not have wastewater or effluent ponding on the surface of the ground, and that the septic tank was recently pumped by a certified septage servicing operator, or it was inspected and was less than 1/3 full of sludge and scum. The certificate shall also include the address of the property, owner name, service provider, date of service, and type of service.
- (d) For pre January 15, 1990 private sewage system installations not subject to the maintenance requirements prescribed in par. (a)(b) & (c), it is the responsibility of the owner to provide the County with required inspection information prescribed in Comm 83.54 and Comm 83.55. This specifically requires the owner to have the private sewage system visually inspected for ponding of wastewater or effluent on ground surface every three years. The County shall keep record of the reporting of this information.
- (e) All septic tanks shall be serviced when sludge or scum occupies 1/3 or more of the volume of the septic tank.
- (f) All reports of service events shall be submitted to the County within 10 business days from the service event as prescribed in Com. 83. The report shall include type and result of the service event, owner's name, address of service event, name of licensed service provider and date of service.
- (g) A delay in required private sewage system maintenance may be approved by the County inspector based on circumstances such as inclement weather, road weight restrictions and site limitations.

12.19. HOLDING TANK MAINTENANCE PROGRAM.

- (1) The owner of the holding tank shall enter into a Holding Tank Agreement with the appropriate city, village or town guaranteeing that the local government unit which signed the agreement will service the holding tank if the owner fails to have the holding tank properly serviced in response to orders issued by the County. The Maintenance Agreement shall be filed with the Register of Deeds and be recorded in a manner identifying the property on which the holding tank exists and to which the agreement applies.
- (2) A holding tank shall be serviced as prescribed in Comm 83.54(3)(c) and the management plan and service agreement. The tank shall be serviced when the wastewater in the tank reaches a level of one foot below the inlet invert of the tank.

- (3) The owner is responsible to report all service events to the County within 10 business days from the service event. The report shall include owner's name, address of service event, name of licensed septage servicing operator, gallons pumped, and date of service.

12.20. CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINATION LOAD.

- (1) Prior to commencing an addition to a dwelling that increases the number of bedrooms or modification to a structure that is served by a private sewage system that increases the contaminant load, a code-compliant private sewage system shall exist for that structure.

Documentation shall be provided to the County demonstrating that a private sewage system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure as specified in Comm 83, Wisconsin Administrative Code or a code compliant system will be installed. Documentation shall include one of the following:

- (a) Sanitary permit demonstrating existing compliance or for installation of a new code-compliant system, or
- (b) Soil test demonstrating proper distance above groundwater indicators as per Comm 83 as well as certification by a service provider that the system is not surface discharging and that the septic tank has been pumped and inspected. If the existing system is not sized properly, an affidavit in the format prescribed by the County, be recorded in the Register of Deeds demonstrating use of an undersized system.
- (c) All setbacks for the proposed addition from the private sewage system are compliant.
- (d) Any installation, addition or modification of the private sewage system shall be completed and accepted by the County within one year of issuance of the land use permit.

12.21. CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system, the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation in the form of a site plan shall be submitted to the County as part of the zoning permit process for review.

12.22. ADMINISTRATION AND ENFORCEMENT.

(1) Duties and Authority:

- (a) The Zoning and Planning Administrator or assigned agent shall administer and enforce all provisions of this chapter and all other state and county provisions relating to the construction, installation, alteration and repair of all private sewage systems within the county and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.
- (b) Authority To Enter Premises
 - 1. In the discharge of his/her duties, the Zoning and Administrator or his authorized agent may enter any building, upon presentation of the proper credentials and with permission of the owner, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized personnel in the performance of their duties; and any person so interfering shall be in violation of this chapter and subject to a penalty described in this ordinance.
 - 2. If consent to entry to and property has been denied, the Zoning and Planning Administrator shall obtain a special inspection warrant under Sec. 66.12 and 66.123, Wisconsin Statutes.
- (c) Stop Orders. If the Zoning and Planning Administrator or his authorized agent determines that construction or installation of a private sewage system on a premises does not comply with this ordinance, the Zoning and Planning Administrator or his agent shall post in a conspicuous place upon the premises a stop order which order shall demand that all work cease until the construction or the installation is in compliance with this ordinance. The posted order shall describe the non-compliance and the nature of the work to be stopped. The order and shall identify the location and the name of the issuing officer and appeal procedures. It shall be a violation of this ordinance to engage in work in contravention of the terms of such order or to make an unauthorized removal of such a posted order. Work may recommence on the site only under the express direction of the Zoning and Planning Administrator or his authorized agent.
- (d) Records and Reports. The Zoning and Planning Administrator shall keep in his office a daily record of all the transactions of his office, including permits issued and fees received, and shall make such reports thereon to the supervising committee, County Board or state agencies as they may require
- (e) Issuing Agent. The Zoning and Planning Administrator or his authorized agent shall act as the Jefferson County issuing agent and is hereby assigned the duties of administering the private sewage system program.

- (f) Appeals and Variances. Persons seeking to appeal decisions of the Zoning and Planning Administrator or request variances under this ordinance shall file written letters of appeal or variance with the county Zoning and Planning Administrator. Appeals are required to be filed within 30 days of the decision. The Zoning and Planning Administrator shall place the appeal or variance on the agenda of the County Zoning Committee and the appeal shall be given a due process proceeding in accord with Wisconsin Statutes, Sec. 68.10-.12. In the case of a variance, the Committee shall decide whether to uphold, uphold with modifications or reverse the Zoning and Planning Administrator's decision based upon the terms and intent of this ordinance and of relevant state laws and administrative rules. No appellate or variance decision of the Committee shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or rule. Appeals or variances that can only be approved by the granting of a variance to the State Plumbing Code shall be referred to the Department of Commerce pursuant to Wisconsin Administrative Code. Committee appellate decisions or variances shall be made in writing and shall be filed in the Zoning and Planning Administrator's office. Appeals of decisions of authorized agents of the Zoning and Planning Administrator shall be made first to the Zoning and Planning Administrator and his initial appeal decision shall then be appealable as provided herein.
- (g) Fees. An applicant, upon filing his application or making request for inspections or changes to applications, shall pay a fee to the Zoning Department in accordance with the fee schedule adopted by the Jefferson County Board of Supervisors.

12.23. ENFORCEMENT.

(1) Prohibitions. The following shall be deemed violations of the ordinance:

- (a) To install, alter, modify, repair or enlarge a private sewage system without prior County approval or in a manner not in compliance with an approved County permit.
- (b) To materially change the use of a premise so as to render the approved private sewage no longer in compliance with applicable standards.
- (c) To fail to report soil tests fully and accurately.
- (d) To fail to satisfy maintenance or operational standards.
- (e) To contract to conduct tank pumping or waste hauling or disposal and to do such activities in violation of state law, rule or ordinance.
- (f) To operate a failing private sewage system as defined in 145.245(4), Wisconsin Statutes.

- (g) To fail to obey orders lawfully issued by state or county officials.
 - (h) To operate a system that constitutes a nuisance or that emits a prohibited discharge.
 - (i) To install, alter, modify, repair or enlarge a private sewage system by an individual without the proper licensing as defined in s. 145.06 Wisconsin Statutes.
 - (j) Failure to follow rules, regulations, and laws as set forth in the Wisconsin Statutes, Wisconsin Administrative Code, and this ordinance.
- (2) Penalties. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided below:
- (a) Payment of the assigned deposit on a citation issued pursuant to Jefferson County ordinance No. 88-19.
 - (b) Payment of a forfeiture assessed by a court upon an enforcement lawsuit initiated by the county for violation of this ordinance. The amount of such forfeiture shall be not less than \$100.00 nor more than \$500.00 for each violation. Each day of violation shall be a separate offense.
 - (c) Injunctive remedies may also be ordered by the court.

Adopted by the Jefferson County Board of Supervisors this 8th day of May, 2001.

Wendell A. Wilson, Chairman

ATTEST:

Barbara A. Frank, County Clerk

Published the _____ day of May, 2001.